



Building The Wireless Future™
Cellular Telecommunications & Internet Association

April 5, 2004

Ms. Marlene H. Dortch
Secretary
Federal Communications Commission
445 12th Street, SW
12th Street Lobby, TW-A325
Washington, D.C. 20554

**Re: *Ex Parte* Presentation
WT Docket 02-55**

Dear Ms. Dortch:

On Friday, April 2, 2004, the Cellular Telecommunications & Internet Association ("CTIA") represented by Diane Cornell, Vice President for Regulatory Policy, spoke via phone with Paul Margie, Spectrum and International Legal Advisor to Commissioner Copps, to discuss issues related to the ongoing 800 MHz proceeding.

CTIA reiterated its concern with the implementation challenges and legal vulnerabilities posed by the so-called "Consensus Plan" filed by Nextel Communications, some public safety associations, and private wireless groups. CTIA emphasized that an approach that would not auction spectrum at 1.9 GHz but would instead make it available to one carrier through a "private sale" would create a significant litigation risk that could ultimately slow the process of resolving interference in the 800 MHz band. CTIA noted that, if the Commission were to determine that rebanding is necessary to resolve Public Safety interference, any such rebanding should be done within the 800 MHz band, and should not involve spectrum outside the band. Any other approach would result in one carrier unfairly benefiting from a plan that should be focused on resolving the Public Safety interference problem within the 800 MHz band.

Pursuant to Section 1.1206 of the Commission's Rules, this letter is being electronically filed with your office. If you have any questions concerning this submission, please contact the undersigned.

Sincerely,

Diane Cornell

Diane Cornell

cc: Paul Margie

